

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
2 Charles K. Verhoeven (Bar No. 170151)  
3 charlesverhoeven@quinnemanuel.com  
4 David A. Perlson (Bar No. 209502)  
5 davidperlson@quinnemanuel.com  
6 Melissa Baily (Bar No. 237649)  
7 melissabaily@quinnemanuel.com  
8 John Neukom (Bar No. 275887)  
9 johnneukom@quinnemanuel.com  
10 Jordan Jaffe (Bar No. 254886)  
11 jordanjaffe@quinnemanuel.com  
12 50 California Street, 22<sup>nd</sup> Floor  
13 San Francisco, California 94111-4788  
14 Telephone: (415) 875-6600  
15 Facsimile: (415) 875-6700

16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.

23 UBER TECHNOLOGIES, INC.;  
24 OTTOMOTTO LLC; OTTO TRUCKING  
25 LLC,

26 **PLAINTIFF WAYMO LLC'S  
27 ADMINISTRATIVE MOTION TO FILE  
28 UNDER SEAL PORTIONS OF LETTER  
BRIEF REGARDING WAYMO'S  
MOTION TO COMPEL**

29 Defendants.

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Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal information in its June 21, 2017 Letter Brief Regarding Waymo’s Motion to Compel (the “Letter Brief”) and Exhibits thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Portions of Waymo’s Letter Brief	Portions highlighted in blue	Defendants
	Portions highlighted in green	Waymo
Exhibit 1 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 2 of Waymo’s Letter Brief	Portions highlighted in blue	Defendants
Exhibit 3 of Waymo’s Letter Brief	Portions highlighted in yellow and blue <sup>1</sup>	Defendants
Exhibit 5 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 6 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 7 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 8 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 9 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 13 of Waymo’s Letter Brief	Entire Document	Defendants
Exhibit 16 of Waymo’s Letter Brief	Entire Document	Defendants

## I. LEGAL STANDARD

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## II. UBER’S CONFIDENTIAL INFORMATION

Waymo seeks to seal the portions of the Letter Brief (portions highlighted in blue) and Exhibits 1-3, 5-9, 13, and 16 to the Letter Brief only because Defendants have designated the information confidential and/or highly confidential. Declaration of John McCauley (“McCauley

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<sup>1</sup> On June 9, 2017, counsel for Defendants Uber Technologies Inc. and Ottomotto LLC withdrew the confidentiality designation for the response to Interrogatory No. 1 of Waymo’s First Set of Expedited Interrogatories Pursuant to Paragraph Six of the May 11, 2017 Preliminary Injunction Order (Nos. 1-9) found in Exhibit 3 to the Letter Brief. McCauley Dec. ¶ 8.

1 Dec.”), ¶ 3. Waymo expects Defendants to file one or more declarations in accordance with the Local  
 2 Rules. *Id.* ¶ 4.

3 **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

4 The Court should seal the portions of the Letter Brief (portions highlighted in green) identified  
 5 by Waymo in the table above. Waymo seeks to file this information under seal because it discloses  
 6 Waymo’s trade secrets and confidential business information. *See McCauley Dec., ¶¶ 5-7.* Courts  
 7 have determined that trade secret information merits sealing. *Music Grp. Macao Commercial*  
 8 *Offshore Ltd. v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at \*1 (N.D. Cal. June 30, 2015)  
 9 (quoting *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc’ns Sys., Inc. v. A10 Networks, Inc.*,  
 10 No. C 10-3428 PSG, 2013 WL 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal  
 11 document that “consists entirely of descriptions of Brocade’s trade secrets.”). Confidential business  
 12 information that, if released, may “harm a litigant’s competitive standing” also merits sealing. *See*  
 13 *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential  
 14 business information and trade secret information that fit squarely within these categories. McCauley  
 15 Dec. ¶¶ 5-7. Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the  
 16 information remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.).  
 17 *See* McCauley Dec. ¶ 6. Waymo has narrowly tailored its requests to only information meriting  
 18 sealing. *Id.* ¶ 7. In fact, both *Music Grp.* and *Brocade* found the confidential information at issue in  
 19 those cases met the heightened “compelling reasons” standard for sealing. *Music Grp.*, 2015 WL  
 20 3993147, at \*1; *Brocade*, 2013 WL 211115, at \*1, \*3. The information that Waymo seeks to seal,  
 21 therefore, also meets this heightened standard. The disclosure of Waymo’s trade secret and  
 22 confidential business information would harm Waymo. McCauley Dec. ¶ 6. Moreover, the scope of  
 23 information that Waymo is seeking to seal is consistent with other administrative motions to seal that  
 24 have already been granted by the Court in this case. (*See* Dkt. 416, 414, 406, 393, 392.) Thus, the  
 25 Court should grant Waymo’s administrative motion to seal.

26 **IV. CONCLUSION**

27 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the above  
 28 listed documents accompany this Administrative Motion. For the foregoing reasons, Waymo

1 respectfully requests that the Court grant Waymo's Administrative Motion.

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3 DATED: June 21, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
4 LLP

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By /s/ Charles K. Verhoeven

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Charles K. Verhoeven  
Attorneys for WAYMO LLC

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